

Notice of Allowability

Application No.

09/643,389

Examiner

Maria N. Von Buhr

Applicant(s)

FUNK, KEVIN K.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 13 July 2004.
2. ☒ The allowed claim(s) is/are 13-15, 17 and 18 (renumbered as 1-5).
3. ☒ The drawings filed on 22 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Maria N. Von Buhr

**MARIA N. VON BUHR
PRIMARY EXAMINER**

EXAMINER'S COMMENT

In Appellant's Appeal Brief, dated 13 July 2004 (pages 19-20), Appellant alleges that "The Examiner states the following on page 4 of the final rejection: 'However, Saka et al. Do not specify that the production system is necessarily one for manufacturing integrated circuit devices, including using wafer stepper and resist spin track machines, as instantly claimed. In this regard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Saka et al. in the integrated circuit manufacturing environment, because Saka et al. teach a resultant benefit of versatility in manufacturing of the produce, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.' The Examiner, thus, admits that Saka et al. fails to disclose all of the limitations of appellant's claim 13 but takes the position, nevertheless, that these limitations would be obvious. It is, thus, apparent, that neither Saka et al. nor any of the other references of record provide any teaching, whatsoever, of appellant's integrated circuit device manufacturing system as recited in claim 13."

However, Examiner did not assert such in the final rejection. Instead, the final rejection asserted that "contrary to Applicant's intimation that Saka et al. nowhere suggest applying their 'versatile production system' to an 'integrated circuit device manufacturing system' as instantly claimed, Saka et al. clearly provide for the manufacture of integrated circuits, as shown at least in Fig. 5 (wherein the line terminal display represents the manufacturing status of a 'CPU') and col. 8, line 67 - col. 9, line 6. However, Saka et al. do not specify that their integrated circuit device manufacturing system incorporates wafer stepper and resist spin track machines. In this regard, these types of machines are extremely well-known in the environment of manufacturing integrated circuits (as evidenced at least by Wu et al. (U.S. Patent No. 5,668,056); Fukasawa (U.S. Patent No. 4,930,086); Muraoka et al. (U.S. Patent No. 4,095,095); Yoshizawa et al. (U.S. Patent No. 5,442,561); and Shimoyashiro et al. (U.S. Patent No. 5,536,128), all previously cited). Hence, as indicated in the previous Office action, it would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to include such well-known machines in the system of Saka et al., because it has been held to be within the general skill of a worker in the art to select known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416."

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

As per the claims, Examiner agrees with Appellant's argument (pages 15-16 and 22-23 of the Appeal Brief, dated 13 July 2004) that the prior art of record is deemed not to fairly teach nor suggest, neither alone nor in combination, the instantly claimed "'a first controller operatively connected to both said first display device and said first scanning device; ... wherein said first controller is operatively attached to both said second display device and said second scanning device.'" Accordingly, appellant's claim 13 requires a first and a second display device and a first and a second scanning device, all of which are attached to the same controller" and "claim 13 further recites the following: a second controller operatively connected to said at least a first manufacturing machine; a data link connecting said first controller and said second controller,' in addition to the first controller, as discussed above. Thus, claim 13 further requires a second controller connected to a manufacturing machine and a data link connecting the first and second controllers."

Any comments considered necessary by Appellant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria N. Von Buhr whose telephone number is 703-305-3837. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703-308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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